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October 7, 2005

**VIA Electronic Mail**

**VIA Hand Delivery**

The Honorable Charles L. A. Terreni  
Chief Clerk and Administrator  
Joseph Melchers, Esquire  
Chief Legal Advisor  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

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2005 OCT - 7 PM 3:28  
SC PUBLIC SERVICE  
COMMISSION

RE: **Docket No. 2005-210-E-** Application of Duke Energy Corporation ("Duke") for  
Authorization to Enter into a Business Combination Transaction with Cinergy  
Corporation.  
**Notification**

Dear Messrs. Terreni, and Melchers:

Duke hereby notifies the Public Service Commission of South Carolina ("Commission") that The Electric Cooperatives of South Carolina Inc., Central Electric Power Cooperative, Inc., and Saluda River Electric Cooperative, Inc (hereinafter together, "The Cooperatives"), and representatives of Duke, with the participation of Office of Regulatory Staff ("ORS") Personnel, have engaged in settlement discussions. As a result of those discussions, Duke has entered into a Stipulation with ORS and the South Carolina Energy Users Committee ("SCEUC"). Furthermore, Duke has entered into a Stipulation with ORS and The Cooperatives.

Pursuant to these Stipulations, Duke is withdrawing the previously filed Direct Testimony of Ruth G. Shaw, James E. Rogers, and Direct Testimony and Exhibits of Myron L. Caldwell.

The Honorable Charles L. A. Terreni  
Joseph Melchers, Esquire  
October 7, 2005  
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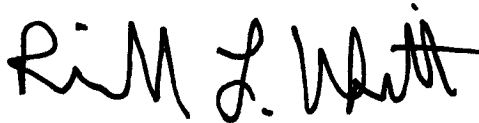
Additionally, the Direct Testimony of Ellen T. Ruff and the respective Stipulations entered into with ORS, the Cooperatives and the SCEUC are being filed with this Commission today, under separate cover.

Based on the foregoing, the Oral Arguments scheduled by the Commission in this matter for Monday, October 10, 2005, at 10:30 a.m., may be canceled, because Duke is withdrawing its previously filed Opposition to the Intervention of the Cooperatives, based on the Stipulation entered into with the Cooperatives.

Our client, Duke Energy Corporation, William F. Austin, and Richard L. Whitt, wish to thank the Commission and your staff for all of the professional courtesies extended during this Docket. All parties of record are being served electronically and by hand delivery. If you have any questions or concerns, please do not hesitate to contact the undersigned.

With kind regards, we are

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Austin" and "Richard L. Whitt" joined together.

William F. Austin

Richard L. Whitt

RLW/dss

cc: C. Dukes Scott, Esquire  
Florence Belser, Esquire  
Shannon Bowyer Hudson, Esquire  
(all of the South Carolina Office of Regulatory Staff)  
Jocelyn Boyd, Esquire  
Scott Elliot, Esquire